

The Honorable J. Kelley Arnold

UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF WASHINGTON AT TACOMA

11	RICKEY PERALEZ, on behalf of himself and)
12	others similarly situated,) NO. C06-5625 JKA
13	Plaintiff,) STIPULATED MOTION AND ORDER TO
14	v.) EXTEND CLASS CERTIFICATION
15) MOTION DEADLINE
16	THE WASHINGTON DEPARTMENT OF)
17	CORRECTIONS, HAROLD CLARKE,)
18	DOUGLAS WADDINGTON, BELINDA)
19	STEWART, KEVIN SHANAHAN, JEAN)
20	STEWART, and JOHN DOES 1-20,)
21	employees and officials of the Washington)
22	Department of Corrections and/or Stafford)
23	Creek Corrections Center,)
24	Defendants.)

STIPULATION

The parties, by and through their counsel, hereby submit this stipulation for a 30 day extension of the deadline by which plaintiff must move for class certification. Under CR 23(f)(3), the

1 current deadline is April 24, 2007. For the reasons set forth below, the parties request that this
 2 deadline be moved to May 24, 2007.

3 Under the Court's November 16, 2006 Minute Order, the deadline for holding the FRCP 26(f)
 4 conference was February 23, 2007. The parties participated in the Rule 26(f) conference on February
 5 20, 2007. Thereafter, plaintiff sent discovery requests to defendants, which the defendants received
 6 on March 7, 2007. The majority of plaintiff's outstanding discovery requests relate to facts that will
 7 aid the Court in determining the issue of class certification. Due to the nature of the plaintiff's
 8 outstanding requests—and difficulties associated with the DOC's current computer tracking
 9 system—defense counsel has indicated that it may take longer than 30 days to respond to the
 10 requests. Plaintiff's counsel does not object to giving the defendants additional time to complete
 11 their discovery responses. However, plaintiff's counsel is concerned that such an extension will not
 12 leave an adequate amount of time to prepare plaintiff's motion for class certification.
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15 The parties have conferred on this issue and believe that a 30-day extension of the current
 16 class certification deadline will give the defense enough time to prepare its discovery responses and
 17 will give plaintiff's counsel a correspondingly sufficient amount of time to file plaintiff's motion for
 18 class certification.
 19

20 DATED this 22nd day of March 2007.

21
 22 /S/

23 Erik J. Heipt, WSBA # 28113
 24 Of Budge & Heipt, P.L.L.C.
 Attorneys for Plaintiff

25 /S/

26 Mark C. Jobson, WSBA No. 22171
 27 Assistant Attorney General
 Attorney for Defendants
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ORDER

This matter has come before the Court on the foregoing stipulation of counsel. Having reviewed the foregoing stipulation, the Court hereby orders that the current deadline for filing the motion for class certification be extended by 30 days, from April 24, 2007 to May 24, 2007.

DATED this 23rd day of March, 2007.

/s/ J. Kelley Arnold
The Honorable J. Kelley Arnold

Presented by:

/S/
Erik J. Heipt, WSBA # 28113
Attorneys for Plaintiff

/S/
Mark C. Jobson, WSBA No. 22171
Attorney for Defendants